

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 4

DOCKET NO.: 2006-1962-MLM-E **TCEQ ID:** RN100824937 **CASE NO.:** 31679**RESPONDENT NAME:** Cody B. Lewis and Anita Lewis dba Deer Springs Water Company

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input checked="" type="checkbox"/> PUBLIC WATER UTILITIES
<p>SITE WHERE VIOLATION(S) OCCURRED: Deer Springs Water Company, on Deer Springs Drive, south of Highway 29, Burnet County</p> <p>TYPE OF OPERATION: Public water supply and public water utility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: Two complaints were received on August 27, 2006, alleging that the owners/operators of the water supply had been shutting off the water at night to fill the ground storage tanks and that no boil water notice had been issued in response to the water outage. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: Complaints were received, but the complainants have not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 1, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4012; Mr. Steven Lopez, Enforcement Division, MC.219, (512) 239-1896 Respondent: Mr. Cody B. Lewis and Ms. Anita Lewis, Owners and Operators, Deer Springs Water Company, P.O. Box 472, Buchanan Dam, Texas 78609 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2006-1962-ML

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: August 27, 2006</p> <p>Dates of Investigations Relating to this Case: September 7 and 19, 2006</p> <p>Date of NOE Relating to this Case: October 10, 2006 (NOE)</p> <p>Background Facts: These were complaint investigations. Fourteen violations were documented.</p> <p>WATER</p> <p>1) Failed to maintain a record of all service interruptions that shows the cause of the interruptions, the date, time, duration, location, approximate number of customers affected, and, in cases of emergency interruptions, the remedy and steps taken to prevent a recurrence [30 TEX. ADMIN. CODE § 291.90(b)].</p> <p>2) Failed to issue boil water notifications to the customers of the water supply within 24 hours of a water outage [30 TEX. ADMIN. CODE § 290.46(q)(1)].</p> <p>3) Failed to institute special precautions, including collection of a water sample for bacteriological analysis, to ensure that the drinking water supply has not been compromised following the return of service after a water outage [30 TEX. ADMIN. CODE § 290.46(q)].</p> <p>4) Failed to maintain the records of water works operations, including the amount of chemicals used for the months of September through December 2005 and July and August 2006, so that those records are available for review at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(A)(i)(III)].</p> <p>5) Failed to provide a minimum well capacity of 0.6 gallons per minute ("gpm") per</p>	<p>Total Assessed: \$1,700</p> <p>Total Deferred: \$340 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,360</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 10 days after the effective date of this Agreed Order:</p> <p>i. Implement procedures that will ensure boil water notifications will be issued to the customers of the water supply within 24 hours of a water outage, samples for bacteriological analysis will be collected following the return of service after a water outage, and all records of service interruptions will be maintained, including information concerning the cause of the interruptions, the date, time, duration, location, approximate number of customers affected, and, in cases of emergency interruptions, the remedy and steps taken to prevent a recurrence;</p> <p>ii. Begin verifying the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations; and</p> <p>iii. Begin maintaining the records of water works operations, including the amount of chemicals used each month, so that those records are available for review at the time of investigations.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification of compliance and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.;</p> <p>ii. Install all electrical wiring securely in accordance with a local or national electrical code;</p> <p>iii. Begin maintaining three strands of barbed wire at the top of the intruder-resistant fence surrounding the ground storage tank;</p> <p>iv. Conduct an annual inspection of the</p>

DOCKET NO.: 2006-1962-ML

<p>connection for the community and non-community parts of the water supply [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and (c)(1)(B)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>6) Failed to install all electrical wiring securely in accordance with a local or national electrical code [30 TEX. ADMIN. CODE § 290.46(v)].</p> <p>7) Failed to verify the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i)].</p> <p>8) Failed to maintain three strands of barbed wire at the top of the intruder-resistant fence surrounding the ground storage tank [30 TEX. ADMIN. CODE § 290.43(e)].</p> <p>9) Failed to equip the ground storage tank with a water level indicator capable of measuring the feet of water remaining in the tank [30 TEX. ADMIN. CODE § 290.43(c)(4)].</p> <p>10) Failed to provide at least two service pumps at the pump station for the upper pressure plane [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii)].</p> <p>11) Failed to provide a total storage capacity of 200 gallons per connection for the 84 connections in the community part of the water system and a ground storage capacity of 35 gpm for the 44 connections in the non-community part of the water system [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii), (c)(1)(B)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>12) Failed to provide an elevated storage capacity of 100 gallons per connection in the lower pressure plane [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>13) Failed to conduct an annual inspection of the water system's one ground storage tank [30 TEX. ADMIN. CODE § 290.46(m)(1)].</p> <p>14) Failed to conduct an annual inspection of the water system's two pressure tanks [30 TEX. ADMIN. CODE § 290.46(m)(1)].</p>		<p>water system's one ground storage tank; and</p> <p>v. Conduct an annual inspection of the water system's two pressure tanks.</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification of compliance and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions b.ii. through b.v.;</p> <p>ii. Install a water level indicator on the ground storage tank that is capable of measuring the feet of water remaining in the tank; and</p> <p>iii. Install a second service pump at the pump station for pressure plane two.</p> <p>d. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification of compliance and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions c.ii. and c.iii.;</p> <p>ii. Provide a minimum well capacity of 0.6 gpm per connection for the community and non-community parts of the water supply;</p> <p>iii. Provide a total storage capacity of 200 gallons per connection in the community part of the water system and a ground storage capacity of 35 gpm in the non-community part of the water system; and</p> <p>iv. Provide an elevated storage capacity of 100 gallons per connection in the lower pressure plane.</p> <p>e. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions d.ii. through d.iv.</p>
---	--	---

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the transparency and accountability of the organization. This section also outlines the various methods used to collect and analyze data, ensuring that the information is reliable and up-to-date.

2. The second part of the document focuses on the financial aspects of the organization. It provides a detailed overview of the budget, including the projected income and expenses for the upcoming year. This section also discusses the various financial risks and how they are being managed to ensure the organization's financial stability.

3. The third part of the document addresses the operational aspects of the organization. It describes the various processes and procedures that are in place to ensure the efficient and effective delivery of services. This section also discusses the various challenges that the organization is facing and how they are being addressed.

4. The fourth part of the document discusses the human resources aspect of the organization. It provides an overview of the current staff levels and the various roles and responsibilities of the different departments. This section also discusses the various training and development programs that are in place to ensure that the staff is equipped with the necessary skills and knowledge to perform their duties effectively.

5. The fifth part of the document discusses the legal and regulatory aspects of the organization. It provides an overview of the various laws and regulations that the organization is subject to and how they are being complied with. This section also discusses the various legal risks and how they are being managed to ensure the organization's legal compliance.

6. The sixth part of the document discusses the environmental and social aspects of the organization. It provides an overview of the various environmental and social issues that the organization is facing and how they are being addressed. This section also discusses the various initiatives that are in place to promote sustainability and social responsibility.

7. The seventh part of the document discusses the overall performance of the organization. It provides an overview of the various key performance indicators (KPIs) that are being used to measure the organization's performance. This section also discusses the various strategies that are in place to improve the organization's performance and achieve its goals.

8. The eighth part of the document discusses the future of the organization. It provides an overview of the various opportunities and challenges that the organization is facing in the future. This section also discusses the various strategies that are in place to ensure the organization's long-term success and sustainability.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision February 15, 2005

TCEQ

DATES	Assigned	16-Oct-2006	Screening	9-Nov-2006	EPA Due	
	PCW	9-Nov-2006				

RESPONDENT/FACILITY INFORMATION

Respondent	Cody B. Lewis and Anita Lewis dba Deer Springs Water Company		
Reg. Ent. Ref. No.	RN100824937		
Facility/Site Region	11-Austin	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	31679	No. of Violations	12
Docket No.	2006-1962-MLM-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Rebecca Clausewitz
Multi-Media		EC's Team	EnforcementTeam 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$1,650**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **0% Enhancement** **Subtotals 2, 3, & 7** **\$0**

Notes No adjustment to the penalty is recommended due to the Respondents' lack of compliance history.

Culpability **No** **0% Enhancement** **Subtotal 4** **\$0**

Notes The Respondents do not meet the culpability criteria.

Good Faith Effort to Comply **0% Reduction** **Subtotal 5** **\$0**

Before NOV NOV to EDRP/Settlement Offer
Extraordinary ☐
Ordinary ☐
N/A X (mark with x)

Notes The Respondents do not meet the good faith effort criteria.

0% Enhancement* **Subtotal 6** **\$0**
Total EB Amounts \$2,356
Approx. Cost of Compliance \$18,240
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$1,650**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount **\$1,650**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$1,650**

DEFERRAL **20% Reduction** **Adjustment** **-\$330**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$1,320**

Screening Date 9-Nov-2006

Docket No. 2006-1962-MLM-E

PCW

Respondent Cody B. Lewis and Anita Lewis dba Deer Springs Water

Policy Revision 2 (September 2002)

Case ID No. 31679

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN100824937

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

No adjustment to the penalty is recommended due to the Respondents' lack of compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 9-Nov-2006

Docket No. 2006-1962-MLM-E

PCW

Respondent Cody B. Lewis and Anita Lewis dba Deer Springs Water Company

Policy Revision 2 (September 2002)

Case ID No. 31679

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN100824937

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.46(q)(1)

Violation Description Failed to issue boil water notifications to the customers of the water supply within 24 hours of a water outage. Specifically, a water outage occurred on August 4, 2006, and no boil water notice was issued.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$300

Violation Final Penalty Total \$100

This violation Final Assessed Penalty (adjusted for limits) \$100

Economic Benefit Worksheet

Respondent Cody B. Lewis and Anita Lewis dba Deer Springs Water Company
Case ID No. 31679
Reg. Ent. Reference No. RN100824937
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description No commas or \$						

Delayed Costs

Equipment			0.0	\$0	\$0	\$0
Buildings			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0
Engineering/construction			0.0	\$0	\$0	\$0
Land			0.0	\$0	n/a	\$0
Record Keeping System			0.0	\$0	n/a	\$0
Training/Sampling			0.0	\$0	n/a	\$0
Remediation/Disposal			0.0	\$0	n/a	\$0
Permit Costs			0.0	\$0	n/a	\$0
Other (as needed)			0.0	\$0	n/a	\$0

Notes for DELAYED costs

There are no delayed costs associated with this violation.

Avoided Costs

ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)

Disposal			0.0	\$0	\$0	\$0
Personnel			0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.0	\$0	\$0	\$0
Supplies/equipment			0.0	\$0	\$0	\$0
Financial Assurance [2]			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$300	5-Aug-2006	6-Aug-2006	0.0	\$0	\$300
				0.0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount required to provide a boil water notice to all customers of the water supply, calculated for the 24 hour period after the water outage occurred.

Approx. Cost of Compliance

\$300

TOTAL

\$300

Screening Date 9-Nov-2006

Docket No. 2006-1962-MLM-E

PCW

Respondent Cody B. Lewis and Anita Lewis dba Deer Springs Water Company

Policy Revision 2 (September 2002)

Case ID No. 31679

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN100824937

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(q)

Violation Description

Failed to institute special precautions to ensure that the drinking water supply has not been compromised following the return of service after a water outage. Specifically, the Respondents failed to collect water samples for bacteriological analysis following the return to service after a water outage on August 4, 2006.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

By not conducting bacteriological analysis of the water supply after service was restored, customers of the water supply could have been exposed to contaminants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$50

Violation Final Penalty Total \$250

This violation Final Assessed Penalty (adjusted for limits) \$250

Economic Benefit Worksheet

Respondent: Cody B. Lewis and Anita Lewis dba Deer Springs Water Company

Case ID No.: 31679

Reg. Ent. Reference No.: RN100824937

Media: Public Water Supply

Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There are no delayed costs associated with this violation.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$50	5-Aug-2006	6-Aug-2006	0.0	\$0	\$50	\$50
				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to conduct bacteriological testing of the water supply, calculated for the date that the water supply was restored.

Approx. Cost of Compliance

\$50

TOTAL

\$50

Screening Date 9-Nov-2006**Docket No.** 2006-1962-MLM-E**PCW****Respondent** Cody B. Lewis and Anita Lewis dba Deer Springs Water Company

Policy Revision 2 (September 2002)

Case ID No. 31679

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN100824937**Media [Statute]** Public Water Supply**Enf. Coordinator** Rebecca Clausewitz**Violation Number** 3**Rule Cite(s)**

30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)(A)(i)(III)

Violation Description

Failed to maintain the records of water works operations, including the amount of chemicals used for the months of September through December 2005 and July and August 2006, so that those records are available for review at the time of the investigation.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%**Matrix Notes**

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 152 **Number of violation days**

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$657**Violation Final Penalty Total** \$100**This violation Final Assessed Penalty (adjusted for limits)** \$100

Economic Benefit Worksheet

Respondent Cody B. Lewis and Anita Lewis dba Deer Springs Water Company
Case ID No. 31679
Reg. Ent. Reference No. RN100824937
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There are no delayed costs associated with this violation.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$600	1-Sep-2005	31-Aug-2006	1.9	\$57	\$600	\$657
				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to prepare and compile water works operation records, calculated for the months when no records were available.

Approx. Cost of Compliance

\$600

TOTAL

\$657

Screening Date 9-Nov-2006

Docket No. 2006-1962-MLM-E

PCW

Respondent Cody B. Lewis and Anita Lewis dba Deer Springs Water Company

Policy Revision 2 (September 2002)

Case ID No. 31679

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN100824937

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(i), (c)(1)(B)(i) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide a minimum well capacity of 0.6 gallons per minute ("gpm") per connection for the community and non-community parts of the water supply. Specifically, the system currently provides 58 gpm for 128 connections, which is approximately 24.5% deficient of the 76.8 gpm that should be provided.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without sufficient well capacity, customers of the water system could experience water outages and the system's ability to provide a safe and reliable supply of water could be compromised.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

52 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the investigation date, September 19, 2006, to the screening date, November 9, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$216

Violation Final Penalty Total \$100

This violation Final Assessed Penalty (adjusted for limits) \$100

Economic Benefit Worksheet

Respondent: Cody B. Lewis and Anita Lewis dba Deer Springs Water Company
Case ID No.: 31679
Reg. Ent. Reference No.: RN100824937
Media: Public Water Supply
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description No commas or \$						

Delayed Costs

Equipment			0.0	\$0	\$0	\$0
Buildings			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0
Engineering/construction			0.0	\$0	\$0	\$0
Land			0.0	\$0	n/a	\$0
Record Keeping System			0.0	\$0	n/a	\$0
Training/Sampling			0.0	\$0	n/a	\$0
Remediation/Disposal			0.0	\$0	n/a	\$0
Permit Costs			0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	19-Sep-2006	1-Aug-2007	0.9	\$216	\$216

Notes for DELAYED costs

The delayed costs include the amount to increase the well capacity to 0.6 gpm per connection (76.8 total gpm), calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.0	\$0	\$0	\$0
Personnel			0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.0	\$0	\$0	\$0
Supplies/equipment			0.0	\$0	\$0	\$0
Financial Assurance [2]			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$5,000

TOTAL

\$216

Screening Date 9-Nov-2006**Docket No.** 2006-1962-MLM-E**PCW****Respondent** Cody B. Lewis and Anita Lewis dba Deer Springs Water Company

Policy Revision 2 (September 2002)

Case ID No. 31679

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN100824937**Media [Statute]** Public Water Supply**Enf. Coordinator** Rebecca Clausewitz**Violation Number** 5**Rule Cite(s)**

30 Tex. Admin. Code § 290.46(v)

Violation Description

Failed to install all electrical wiring securely, in accordance with a local or national electrical code.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%**Matrix Notes**

If wiring at the water supply is not properly secured, operators of the water supply could be exposed to dangerous levels of electrical current.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 152 **Number of violation days**mark only one
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the investigation, September 19, 2006, to the date of screening, November 9, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10**Violation Final Penalty Total** \$100**This violation Final Assessed Penalty (adjusted for limits)** \$100

Economic Benefit Worksheet

Respondent: Cody B. Lewis and Anita Lewis dba Deer Springs Water Company

Case ID No. 31679

Reg. Ent. Reference No. RN100824937

Media: Public Water Supply

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment	\$200	19-Sep-2006	1-Jun-2007	0.7	\$0	\$9	\$10
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to install the electrical wiring in a conduit so that it is no longer exposed, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$200

TOTAL

\$10

Screening Date 9-Nov-2006

Docket No. 2006-1962-MLM-E

PCW

Respondent Cody B. Lewis and Anita Lewis dba Deer Springs Water Company

Policy Revision 2 (September 2002)

Case ID No. 31679

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN100824937

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(2)(C)(i)

Violation Description Failed to verify the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Failure to verify the accuracy of the disinfectant analyzers could result in customers of the water supply being exposed to insignificant amounts of contamination at levels that are not protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 52 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$97

Violation Final Penalty Total \$50

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent Cody B. Lewis and Anita Lewis dba Deer Springs Water Company
Case ID No. 31679
Reg. Ent. Reference No. RN100824937
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There are no delayed costs associated with this violation.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$90	19-Sep-2006	10-May-2007	1.6	\$7	\$90	\$97
				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs includes the amount to verify the accuracy of the chlorine residual analyzers once per month, calculated from the date of the investigation to the estimated date of compliance.

Approx. Cost of Compliance

\$90

TOTAL

\$97

Screening Date 9-Nov-2006**Docket No.** 2006-1962-MLM-E**PCW****Respondent** Cody B. Lewis and Anita Lewis dba Deer Springs Water Company

Policy Revision 2 (September 2002)

Case ID No. 31679

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN100824937**Media [Statute]** Public Water Supply**Enf. Coordinator** Rebecca Clausewitz**Violation Number** 7**Rule Cite(s)** 30 Tex. Admin. Code § 290.43(e)**Violation Description**

Failed to maintain three strands of barbed wire on the top of the fence surrounding the ground storage tank. Specifically, at the time of the investigation, there were sections of the fence in which the strands of barbed wire were not secured properly to the top of the fence.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%**Matrix Notes**

Without proper installation of the barbed wire on the fences, the wells could be susceptible to trespassers who could cause insignificant amounts of contamination to the water supply which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

1

52 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation**Statutory Limit Test****Estimated EB Amount** \$24**Violation Final Penalty Total** \$50**This violation Final Assessed Penalty (adjusted for limits)** \$50

Economic Benefit Worksheet

Respondent Cody B. Lewis and Anita Lewis dba Deer Springs Water Company
Case ID No. 31679
Reg. Ent. Reference No. RN100824937
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$500	19-Sep-2006	1-Jun-2007	0.7	\$1	\$23	\$24
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs includes the amount to repair and begin maintaining the three strands of barbed wire on the fence, calculated from the date of the investigation to the estimated date of compliance

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$500

TOTAL

\$24

Screening Date 9-Nov-2006

Docket No. 2006-1962-MLM-E

PCW

Respondent Cody B. Lewis and Anita Lewis dba Deer Springs Water Company

Policy Revision 2 (September 2002)

Case ID No. 31679

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN100824937

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code § 290.43(c)(4)

Violation Description

Failed to equip the ground storage tank with a water level indicator capable of measuring the feet of water remaining in the tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without a proper water level indicator on the ground storage tank, the water system will be unable to compile necessary water usage data and the system's ability to provide a safe and adequate water supply could be compromised.

Adjustment \$900

\$100

Violation Events

1

52

Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the investigation date, September 19, 2006, to the screening date, November 9, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$100

This violation Final Assessed Penalty (adjusted for limits) \$100

Economic Benefit Worksheet

Respondent Cody B. Lewis and Anita Lewis dba Deer Springs Water Company
Case ID No. 31879
Reg. Ent. Reference No. RN100824937
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$200	19-Sep-2006	1-Jul-2007	0.8	\$1	\$10	\$11
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to purchase and install a proper water level indicator for the ground storage tank, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$200

TOTAL

\$11

Screening Date 9-Nov-2006**Docket No.** 2006-1962-MLM-E**PCW****Respondent** Cody B. Lewis and Anita Lewis dba Deer Springs Water Company

Policy Revision 2 (September 2002)

Case ID No. 31679

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN100824937**Media [Statute]** Public Water Supply**Enf. Coordinator** Rebecca Clausewitz**Violation Number** 9**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(b)(1)(C)(iii)**Violation Description** Failed to provide at least two service pumps at the pump station for the upper pressure plane. Specifically, the upper pressure plane currently only has one service pump.**Base Penalty** \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%**Matrix Notes**

Without two service pumps, customers of the water system could experience water shortages or outages and the system's ability to provide a safe and adequate water supply could be compromised.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 152 **Number of violation days**mark only one
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the investigation date, September 19, 2006, to the screening date, November 9, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$55**Violation Final Penalty Total** \$100**This violation Final Assessed Penalty (adjusted for limits)** \$100

Economic Benefit Worksheet

Respondent Cody B. Lewis and Anita Lewis dba Deer Springs Water Company
Case ID No. 31679
Reg. Ent. Reference No. RN100824937
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment	\$1,000	19-Sep-2006	1-Jul-2007	0.8	\$3	\$52	\$55
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to purchase and install an additional service pump for pressure plane two, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$1,000

TOTAL

\$55

Screening Date 9-Nov-2006

Docket No. 2006-1962-MLM-E

PCW

Respondent Cody B. Lewis and Anita Lewis dba Deer Springs Water Company

Policy Revision 2 (September 2002)

Case ID No. 31679

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN100824937

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 10

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(1)(C)(ii), (b)(1)(C)(iv), (c)(1)(B)(ii) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide a total storage capacity of 200 gallons per connection in the community part of the water system and a ground storage capacity of 35 gallons per minute ("gpm") in the non-community part of the water system, and failure to provide an elevated storage capacity of 100 gallons per connection for the 128 connections in the lower pressure plane. Specifically, the system currently provides 10,000 gallons of total storage for 128 connections, which is 45.5% deficient of the 18,340 gallons that should be provided. Additionally, the system currently provides 10,000 gallons of elevated storage for the 128 connections in the lower pressure plane, which is 19% deficient of the 12,300 gallons that should be provided.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without sufficient storage capacity, customers of the water system could experience water shortages or outages, and the system's ability to provide a safe and reliable supply of water could be compromised.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

52 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the investigation date, September 19, 2006, to the screening date, November 9, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$606

Violation Final Penalty Total \$100

This violation Final Assessed Penalty (adjusted for limits) \$100

Economic Benefit Worksheet

Respondent Cody B. Lewis and Anita Lewis dba Deer Springs Water Company
Case ID No. 31679
Reg. Ent. Reference No. RN100824937
Media Public Water Supply
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$10,000	19-Sep-2006	1-Aug-2007	0.9	\$29	\$577	\$606
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to increase the total and elevated storage capacity, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$10,000

TOTAL

\$606

Screening Date 9-Nov-2006

Docket No. 2006-1962-MLM-E

PCW

Respondent Cody B. Lewis and Anita Lewis dba Deer Springs Water Company

Policy Revision 2 (September 2002)

Case ID No. 31679

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN100824937

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)

Violation Description Failed to conduct an annual inspection of the water system's one ground storage tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Complete failure to perform an inspection of the storage tank could result in non-detection of a tank defect causing loss of tank integrity and customers of the water supply could be exposed to significant amounts of contamination which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

365 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	x
	single event	

Violation Base Penalty \$100

One annual event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$110

Violation Final Penalty Total \$100

This violation Final Assessed Penalty (adjusted for limits) \$100

Economic Benefit Worksheet

Respondent Cody B. Lewis and Anita Lewis dba Deer Springs Water Company

Case ID No. 31679

Reg. Ent. Reference No. RN100824937

Media Public Water Supply

Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There are no delayed costs associated with this violation.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	19-Sep-2005	19-Sep-2006	1.9	\$10	\$100	\$110
				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs includes the amount to conduct an annual inspection of the storage tank, calculated for the one year prior to the date of the investigation.

Approx. Cost of Compliance

\$100

TOTAL

\$110

Screening Date 9-Nov-2006

Docket No. 2006-1962-MLM-E

PCW

Respondent Cody B. Lewis and Anita Lewis dba Deer Springs Water Company

Policy Revision 2 (September 2002)

Case ID No. 31679

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN100824937

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

V12 12

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)

Violation Description Failed to conduct an annual inspection of the water system's two pressure tanks.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Complete failure to perform inspections on the pressure tanks could result in non-detection of tank defects that could cause loss of tank integrity, and customers of the water supply could be exposed to contamination at levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2

365 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$500

Two annual events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$219

Violation Final Penalty Total \$500

This violation Final Assessed Penalty (adjusted for limits) \$500

Economic Benefit Worksheet

Respondent Cody B. Lewis and Anita Lewis dba Deer Springs Water Company
Case ID No. 31679
Reg. Ent. Reference No. RN100824937
Media Public Water Supply
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	----------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There are no delayed costs associated with this violation.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$200	19-Sep-2005	19-Sep-2006	1.9	\$19	\$200	\$219
				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to perform an annual inspection of the two pressure tanks, calculated for the one year prior to the investigation date.

Approx. Cost of Compliance

\$200

TOTAL

\$219



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision February 15, 2005

TCEQ

DATES	Assigned	16-Oct-2006	Screening	9-Nov-2006	EPA Due	
	PCW	9-Nov-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Cody B. Lewis and Anita Lewis dba Deer Springs Water Company
Reg. Ent. Ref. No.	RN100824937
Facility/Site Region	11-Austin
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	31679	No. of Violations	1	
Docket No.	2006-1962-MLM-E	Order Type	1660	
Media Program(s)	Public Water Utilities	Enf. Coordinator	Rebecca Clausewitz	
Multi-Media		EC's Team	EnforcementTeam 2	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$500

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$50

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 0% Enhancement **Subtotals 2, 3, & 7** \$0

Notes

No adjustment to the penalty is recommended due to the Respondents' lack of compliance history.

Culpability No 0% Enhancement **Subtotal 4** \$0

Notes

The Respondents do not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction **Subtotal 5** \$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondents do not meet the good faith effort criteria.

Total EB Amounts \$200
Approx. Cost of Compliance \$200

0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$50

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Adjustment \$0

Notes

Final Penalty Amount \$50

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$50

DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

20%

Reduction

Adjustment -\$10

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY \$40

Screening Date 9-Nov-2006

Docket No. 2006-1962-MLM-E

PCW

Respondent Cody B. Lewis and Anita Lewis dba Deer Springs Water

Policy Revision 2 (September 2002)

Case ID No. 31679

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN100824937

Media [Statute] Public Water Utilities

Enf. Coordinator Rebecca Clausewitz

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

No adjustment to the penalty is recommended due to the Respondents' lack of compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 9-Nov-2006

Docket No. 2006-1962-MLM-E

PCW

Respondent Cody B. Lewis and Anita Lewis dba Deer Springs Water Compan

Policy Revision 2 (September 2002)

Case ID No. 31679

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN100824937

Media [Statute] Public Water Utilities

Enf. Coordinator Rebecca Clausewitz

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 291.90(b)

Violation Description

Failed to maintain a record of all service interruptions that shows the cause of the interruptions, the date, time, duration, location, approximate number of customers affected, and, in cases of emergency interruptions, the remedy and steps taken to prevent a recurrence.

Base Penalty \$500

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$450

\$50

Violation Events

Number of Violation Events 1

52 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$200

Violation Final Penalty Total \$50

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent: Cody B. Lewis and Anita Lewis dba Deer Springs Water Company
Case ID No.: 31679
Reg. Ent. Reference No.: RN100824937
Media: Public Water Utilities
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There are no delayed costs associated with this violation.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$200	7-Sep-2006	7-Sep-2006	0.0	\$0	\$200	\$200
				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to create and maintain records of service interruptions, calculated for the date of the investigation.

Approx. Cost of Compliance

\$200

TOTAL

\$200

Compliance History

Customer/Respondent/Owner-Operator: CN602295651 LEWIS, ANITA Classification: _____ Rating: _____

Regulated Entity: RN100824937 DEER SPRINGS WATER CO Classification: _____ Site Rating: _____

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0270006
WATER LICENSING LICENSE 0270006

Location: END OF DEER SPRINGS DR S OF HWY 29 W OF BURNET

TCEQ Region: REGION 11 – AUSTIN

Date Compliance History Prepared: November 08, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 08, 2001 to November 08, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Rebecca Clausewitz Phone: (210) 403-4012

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
N/A
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A

Sites Outside of Texas
N/A

Compliance History

Customer/Respondent/Owner-Operator:	<u>CN601357585 LEWIS, CODY B</u>	Classification:	<u>Rating:</u>
Regulated Entity:	<u>RN100824937 DEER SPRINGS WATER CO</u>	Classification:	<u>Site Rating:</u>
ID Number(s):	<u>PUBLIC WATER SYSTEM/SUPPLY REGISTRATION</u>	<u>0270006</u>	
	<u>WATER LICENSING LICENSE</u>	<u>0270006</u>	
Location:	<u>END OF DEER SPRINGS DR S OF HWY 29 W OF BURNET</u>		
TCEQ Region:	<u>REGION 11 – AUSTIN</u>		
Date Compliance History Prepared:	<u>November 08, 2006</u>		
Agency Decision Requiring Compliance History:	<u>Enforcement</u>		
Compliance Period:	<u>November 08, 2001 to November 08, 2006</u>		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	<u>Rebecca Clausewitz</u>	Phone:	<u>(210) 403-4012</u>

Site Compliance History Components

- | | |
|--|------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

Components (Multimedia) for the Site :

- | | |
|----|---|
| A. | Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.
N/A |
| B. | Any criminal convictions of the state of Texas and the federal government.
N/A |
| C. | Chronic excessive emissions events.
N/A |
| D. | The approval dates of investigations. (CCEDS Inv. Track. No.)
N/A |
| E. | Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A |
| F. | Environmental audits.
N/A |
| G. | Type of environmental management systems (EMSs).
N/A |
| H. | Voluntary on-site compliance assessment dates.
N/A |
| I. | Participation in a voluntary pollution reduction program.
N/A |
| J. | Early compliance.
N/A |

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING**

**CODY B. LEWIS AND ANITA LEWIS
DBA DEER SPRINGS WATER
COMPANY
RN100824937**

§
§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2006-1962-MLM-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Cody B. Lewis and Anita Lewis dba Deer Springs Water Company ("Mr. and Ms. Lewis") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 13. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. and Ms. Lewis appear before the Commission and together stipulate that:

1. Mr. and Ms. Lewis own and operate a public water supply on Deer Springs Drive, south of Highway 29 in Burnet County, Texas (the "Facility") that has approximately 128 service connections and serves at least 25 people per day for at least 60 days per year.
2. Mr. and Ms. Lewis own and operate, in Texas and for compensation, equipment or facilities for the transmission, storage, distribution, sale, or provision of potable water to the public or for the resale of potable water to the public for any use. Mr. and Ms. Lewis are not exempt from regulation under TEX. WATER CODE ch. 13 or the rules of the Commission.
3. The Commission and Mr. and Ms. Lewis agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. and Ms. Lewis are subject to the Commission's jurisdiction.
4. Mr. and Ms. Lewis received notice of the violations alleged in Section II ("Allegations") on or about October 15, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. and Ms. Lewis of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Thousand Seven Hundred Dollars (\$1,700) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").

Mr. and Ms. Lewis have paid One Thousand Three Hundred Sixty Dollars (\$1,360) of the administrative penalty and Three Hundred Forty Dollars (\$340) is deferred contingent upon Mr. and Ms. Lewis' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Mr. and Ms. Lewis fail to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. and Ms. Lewis to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Mr. and Ms. Lewis have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. and Ms. Lewis have not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owners and operators of the Facility, Mr. and Ms. Lewis are alleged to have:

1. Failed to maintain a record of all service interruptions that shows the cause of the interruptions, the date, time, duration, location, approximate number of customers affected, and, in cases of emergency interruptions, the remedy and steps taken to prevent a recurrence, in violation of 30 TEX. ADMIN. CODE § 291.90(b), as documented during an investigation conducted on September 7, 2006.
2. Failed to issue boil water notifications to the customers of the water supply within 24 hours of a water outage, in violation of 30 TEX. ADMIN. CODE § 290.46(q)(1), as documented during an investigation conducted on September 7, 2006.
3. Failed to institute special precautions, including collection of a water sample for bacteriological analysis, to ensure that the drinking water supply has not been compromised following the return of service after a water outage, in violation of 30 TEX. ADMIN. CODE § 290.46(q), as documented during an investigation conducted on September 7, 2006.
4. Failed to maintain the records of water works operations, including the amount of chemicals used for the months of September through December 2005 and July and August 2006, so that those records are available for review at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(A)(i)(III), as documented during an investigation conducted on September 19, 2006.

5. Failed to provide a minimum well capacity of 0.6 gallons per minute ("gpm") per connection for the community and non-community parts of the water supply, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and (c)(1)(B)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on September 19, 2006.
6. Failed to install all electrical wiring securely in accordance with a local or national electrical code, in violation of 30 TEX. ADMIN. CODE § 290.46(v), as documented during an investigation conducted on September 19, 2006.
7. Failed to verify the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i), as documented during an investigation conducted on September 19, 2006.
8. Failed to maintain three strands of barbed wire at the top of the intruder-resistant fence surrounding the ground storage tank in violation of 30 TEX. ADMIN. CODE § 290.43(e), as documented during an investigation conducted on September 19, 2006.
9. Failed to equip the ground storage tank with a water level indicator capable of measuring the feet of water remaining in the tank, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4), as documented during an investigation conducted on September 19, 2006.
10. Failed to provide at least two service pumps at the pump station for the upper pressure plane, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii), as documented during an investigation conducted on September 19, 2006.
11. Failed to provide a total storage capacity of 200 gallons per connection for the 84 connections in the community part of the water system and a ground storage capacity of 35 gpm for the 44 connections in the non-community part of the water system, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii), (c)(1)(B)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on September 19, 2006.
12. Failed to provide an elevated storage capacity of 100 gallons per connection in the lower pressure plane, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on September 19, 2006.
13. Failed to conduct an annual inspection of the water system's one ground storage tank, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1), as documented during an investigation conducted on September 19, 2006.
14. Failed to conduct an annual inspection of the water system's two pressure tanks, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1), as documented during an investigation conducted on September 19, 2006.

III. DENIALS

Mr. and Ms. Lewis generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. and Ms. Lewis pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. and Ms. Lewis' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Cody B. Lewis and Anita Lewis dba Deer Springs Water Company, Docket No. 2006-1962-MLM-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. Mr. and Ms. Lewis are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
3. It is further ordered that Mr. and Ms. Lewis shall undertake the following technical requirements:
 - a. Within 10 days after the effective date of this Agreed Order:
 - i. Implement procedures that will ensure boil water notifications will be issued to the customers of the water supply within 24 hours of a water outage, samples for bacteriological analysis will be collected following the return of service after a water outage, and all records of service interruptions will be maintained, including information concerning the cause of the interruptions, the date, time, duration, location, approximate number of customers affected, and, in cases of emergency interruptions, the remedy and steps taken to prevent a recurrence, in accordance with 30 TEX. ADMIN. CODE §§ 290.46 and 291.90;
 - ii. Begin verifying the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iii. Begin maintaining the records of water works operations, including the amount of chemicals used each month, so that those records are available for review at the time of investigations, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Submit written certification of compliance as described below in Ordering Provision 3.e., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 3.a.;
 - ii. Install all electrical wiring securely in accordance with a local or national electrical code, as required by 30 TEX. ADMIN. CODE § 290.46;

- iii. Begin maintaining three strands of barbed wire at the top of the intruder-resistant fence surrounding the ground storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.43;
 - iv. Conduct an annual inspection of the water system's one ground storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - v. Conduct an annual inspection of the water system's two pressure tanks, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- c. Within 60 days after the effective date of this Agreed Order:
- i. Submit written certification of compliance as described below in Ordering Provision 3.e., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 3.b.ii. through 3.b.v.;
 - ii. Install a water level indicator on the ground storage tank that is capable of measuring the feet of water remaining in the tank, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
 - iii. Install a second service pump at the pump station for pressure plane two, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- d. Within 90 days after the effective date of this Agreed Order:
- i. Submit written certification of compliance as described below in Ordering Provision 3.e., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 3.c.ii. and 3.c.iii.;
 - ii. Provide a minimum well capacity of 0.6 gpm per connection for the community and non-community parts of the water supply, in accordance with 30 TEX. ADMIN. CODE § 290.45;
 - iii. Provide a total storage capacity of 200 gallons per connection in the community part of the water system and a ground storage capacity of 35 gpm in the non-community part of the water system, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - iv. Provide an elevated storage capacity of 100 gallons per connection in the lower pressure plane, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- e. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 3.d.ii. through 3.d.iv. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Austin Regional Office
Texas Commission on Environmental Quality
1921 Cedar Bend Drive, Suite 150
Austin, Texas 78758-5336

4. The provisions of this Agreed Order shall apply to and be binding upon Mr. and Ms. Lewis. Mr. and Ms. Lewis are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the operations referenced in this Agreed Order.
5. If Mr. and Ms. Lewis fail to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. and Ms. Lewis' failure to comply is not a violation of this Agreed Order. Mr. and Ms. Lewis shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. and Ms. Lewis shall notify the Executive Director within seven days after Mr. and Ms. Lewis become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. and Ms. Lewis shall be made in writing to the Executive Director. Extensions are not effective until Mr. and Ms. Lewis receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against Mr. and Ms. Lewis in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by

facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. and Ms. Lewis, or three days after the date on which the Commission mails notice of the Order to Mr. and Ms. Lewis, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Rollin
For the Executive Director

7/30/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Cody Lewis
Signature

3/20/07
Date

GODY LEWIS
Name (Printed or typed)
Authorized Representative of Cody B. Lewis
dba Deer Springs Water Company

OWNER
Title

Anita H. Lewis
Signature

3/20/2007
Date

Anita H. Lewis
Name (Printed or typed)
Authorized Representative of Anita Lewis
dba Deer Springs Water Company

Owner
Title

